



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/513,236	02/24/2000	Hadi Partovi	22379-707	6204

7590

06/19/2002

WAGNER, MURABITO & HAO LLP
TWO NORTH MARKET STREET
THIRD FLOOR
SAN JOSE, CA 95113

EXAMINER

NGUYEN, QUANG N

ART UNIT

PAPER NUMBER

2152

DATE MAILED: 06/19/2002

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/513,236

Applicant(s)

PARTOVI ET AL.

Examiner

Quang N. Nguyen

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02/24/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,11.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2152

DETAILED ACTION

1. This Office action is in response to the Application No. 09/513236 filed on 02/24/2000, the Letter of Declaration & Fee filed on 04/20/2000, the Petition 37 CFR 1.47(a) and the Response filed on 06/21/2000, the Declaration and Power of Attorney and the Certificate under 37 CFR 3.73(b) filed on 08/31/2000, the Power of Attorney Acceptance filed on 09/28/2000, the Petition Granted and the Letter filed on 10/03/2000, and the IDSes filed on 07/21/2000, and 03/27/2001.

Specification

2. The disclosure is objected to because of the following informalities: The description of the DETAILED DESCRIPTION on Page 14 Line 14-16 states that "The user profile typically includes collections of different information as shown and described more fully in connection with Figure 6." However, there is not a "Figure 6" in the drawings. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

Art Unit: 2152

such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise et al. (US 5,884,262), herein after referred as Wise, in view of Kappel (US 6,144,988).

Referring to claims 1-3, 5 and 12-15, Wise discloses an apparatus and a method of using a telephone identifying information to present information over a telephone interface using a first computer (see Wise, architecture 100 of FIG. 1 and system 200 of FIG. 2) wherein the system and the method comprising means for: accessing a user profile including a corresponding telephone identifying information matching the telephone identifying information; updating the user profile to include a record of actions performed over the telephone interface; and presenting a suggestion comprising at least one of a topic, a sub-topic, and a content over the telephone interface (see Wise, C3: L9-18, C5: L45-65, C6: L14-30, C8: L65-67, C9: L1-26 and C10: L29-65). Wise does not disclose an apparatus and a method of presenting at least one advertisement qualified based on the user profile over the telephone interface and/or a suggestion comprising an item for sale based on the record of actions. In the related art, Kappel discloses a system and a method of processing captured user registration information and returning corresponding enhanced information (user profile including geo-demographic data such as estimated household income, telephone number, median home value, etc.) to be used in advertising on the Internet (see Kappel, C3: L57-67, C4: L1-6, C8: L55-67, and C9: L1-11). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

Art Unit: 2152

apparatus and the method as claimed of Wise so as to present at least one advertisement and/or a suggestion comprising an item for sale over the telephone interface based on the record of actions in the corresponding personalization profile since such advertising techniques/methods were conventionally employed in directing market goods and/or services to users over the Internet and/or the recording voicemails.

Referring to claim 4, Wise discloses a method as in claim 1 above, further comprising a voice login (voice recognition) over the telephone interface prior to the using the first computer to present content relating to the at least one topic (see Wise, C3: L9-18 and C9: L27-37).

Thus, it is clear that Wise and Kappel anticipate all of the elements of the claims 1-5 and 12-15.

5. Claims 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wise, in view of Smyk (US 6,161,128).

Referring to claims 6 and 7, Wise discloses a system and a method of using a telephone identifying information to present information over a telephone interface using a first computer (see Wise, architecture 100 of FIG. 1 and system 200 of FIG. 2) wherein the method using the first computer to present content relating to the topic included in the corresponding user profile over the telephone interface (see Wise, C3: L9-18, C5: L45-65, C8: L50-54, L65-67, C9: L1-26 and C10: L29-65). Wise does not disclose the method for requesting addition of a topic to the first computer from a first web site hosted by a second computer, sending a message comprising

Art Unit: 2152

the telephone identifying information and the topic from the second computer to the first computer, adding the topic to a user profile having an associate telephone identifying information matching the telephone identifying information on the first computer responsive to the message. In the related art, Smyk discloses a system and a method of using a telephone identifying information to access and modify a user profile on a first computer over an Internet using a second computer with a web interface to the first computer (see Smyk, C3: L45-52, C4: L50-63, C5: L48-62, C9: L20-67, C10: L1-32 and C12: L12-39). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the system and the method of Wise so as to access and modify a user profile by matching the telephone identifying information on the first computer over an Internet using a second computer with a web interface to the first computer since such methods of creating/modifying a user profile using computers with a web interface were conventionally employed for user access/modification to services and data over the Internet.

Referring to claims 8 and 9, Wise discloses a computer system as in claim 7 above, wherein the telephone identifying information includes automatic number identifications (ANIs) to determine geographic locations of the source of the corresponding telephone calls, caller number identifications (CIDs) used by the first program code to perform matching of calls to personalization profiles (see Wise, C3: L9-18 and C9: L2-26).

Referring to claim 10, Smyk discloses a computer system as in claim 7 above, wherein the server includes a web server (see Smyk, web server 204 of FIG. 2) for presenting customized

Art Unit: 2152

interfaces to users to access and modify the personalization profiles (see Smyk, FIG. 4A, 4B, 4C, C5: L63-67, C6: L1-7, C9: L10-67, and C10: L1-32).

Referring to claim 11, Wise discloses a computer system as in claim 7 above, wherein the telephone interface subsystem includes a call manager supporting multiple simultaneous telephone calls over the telephone interface (see Wise, call manager 210 of FIG. 2, C5: L45-65, C6: L14-30, C8: L37-43 and C10: L29-60).

Thus, it is clear that Wise and Smyk anticipate all of the elements of claims 6-11.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to Computer Network Audio Access and Conversion System, Formatting, Mapping, and Modifying Data through an Internet Gateway in general:

U.S. Pat. No. 5,497,373 to Hulen et al.

U.S. Pat. No. 5,758,322 to Rongley.

U.S. Pat. No. 5,819,220 to Sarukkai et al.

U.S. Pat. No. 5,873,064 to De Armas et al.

Art Unit: 2152

U.S. Pat. No. 5,893,063 to Loats et al.

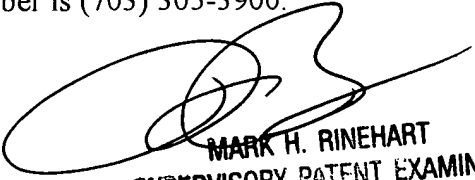
U.S. Pat. No. 5,978,450 to McAllister et al.

7. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (703) 305-8190.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone number for the organization is (703) 746-5485.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

qn
May 31, 2002